

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CHERYL A. SMITH, on behalf of herself and  
all others so similarly situated,

*Plaintiff,*

v.

OCWEN LOAN SERVICING, LLC n/k/a PHH  
MORTGAGE CORPORATION and HSBC  
BANK USA, NATIONAL ASSOCIATION, AS  
TRUSTEE FOR FREEMONT HOME LOAN  
TRUST 2006-E, MORTGAGE BACKED  
CERTIFICATES, SERIES 2006-E,

*Defendants.*

CIVIL ACTION NO. 4:20-cv-11315-TSH

**ORDER AND JUDGMENT RESCINDING FORECLOSURE, VOIDING  
FORECLOSURE DEED, AND REINSTATING MORTGAGE**

The Court in the above-captioned action (the “Action”) between Plaintiff, Cheryl A. Smith (the “Plaintiff”) and the Defendants, Ocwen Loan Servicing, LLC n/k/a PHH Mortgage Corporation (“PHH”)<sup>1</sup>, and HSBC Bank USA, National Association, As Trustee for Freemont Home Loan Trust 2006-E, Mortgage Backed Certificates, Series 2006-E (“HSBC as Trustee” and, together with PHH, the “Defendants”) (collectively, the “Parties”), hereby enters the following order and judgment (“Order and Judgment”) with respect to the real property located at 124 Ashby Road, Ashburnham, Massachusetts (the “Property”):

**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:**

1. The foreclosure of the Property on March 19, 2020 (the “Foreclosure”) is hereby rescinded, voided, and deemed to have no legal force or effect.

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<sup>1</sup> Ocwen Loan Servicing, LLC is now known as PHH Mortgage Corporation, its successor by merger.

2. The foreclosure deed dated April 7, 2020 and recorded with related foreclosure documents on April 8, 2020 at the Worcester Northern Registry of Deeds (the “Registry”) in Book 9587, Page 144 (the “Foreclosure Deed”) is hereby voided and deemed to have no legal force or effect.

3. The mortgage dated July 31, 2006 and granted by the Plaintiff to Mortgage Electronic Registrations Systems, Inc. and recorded with the Registry on July 31, 2006 in Book 6193, Page 118 (the “Mortgage”), and assigned to HSBC as Trustee on March 29, 2013 pursuant to an assignment of mortgage recorded with the Registry on April 12, 2013 in Book 7884, Page 133 (the “Assignment”), is hereby reinstated and is in full force and legal effect *nunc pro tunc* to July 31, 2006.

4. The Plaintiff’s claims in this action are dismissed with prejudice.

5. Upon payment of all required recording fees, a certified or attested copy of this Order and Judgment may be recorded at the Registry, with marginal reference noted to the above-identified Mortgage and Foreclosure Deed, as public notice of the rescission of the Foreclosure and revesting of the record title to the Property to the Plaintiff.

**SO ORDERED:**

/s/ Timothy S. Hillman

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**District Judge Timothy S. Hillman**  
**United States District Judge**

Dated: 10/25/21